

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 11-1064 JB

ROBERT W. SCHMIDT,

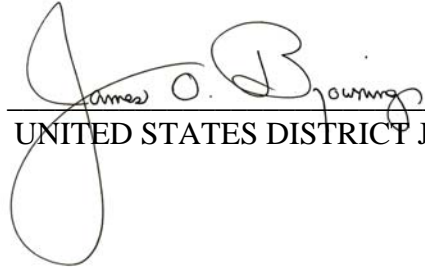
Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on the: (i) Letter from Robert W. Schmidt to the Court, (dated August 24, 2011) filed August 24, 2011 (Doc. 42)(“August 24, 2011 Letter”); and (ii) Letter from Robert W. Schmidt to the Court (dated August 30, 2011), filed September 1, 2011 (Doc. 43)(“August 30, 2011 Letter”). In his August 24, 2011 Letter to the Court, Defendant Robert Schmidt asks the Court to appoint new counsel alleging that his current counsel has rendered ineffective assistance of counsel, and that his current counsel “is not working in [his] best interest.” See August 24, 2011 Letter at 1. In his August 30, 2011 Letter to the Court, Schmidt requests that the Court appoint Todd E. Farkas as his new counsel. See August 30, 2011 Letter at 1. The Court has contacted Mr. Farkas, and he is amenable to service. Plaintiff United States of America takes no position on this request. Schmidt’s current counsel, Assistant Federal Public Defender Michael A. Keefe, does not oppose this request. Because Mr. Keefe does not oppose this request, and because communication between Schmidt and Mr. Keefe has broken down, see United States v. Beers, 189 F.3d 1297, 1302 (10th Cir. 1999), the Court will grant the requests.

IT IS ORDERED that the Defendant’s requests for new counsel in his Letter to the Court

(dated August 24, 2011), and in his Letter to the Court (dated August 30, 2011) are granted. The Court removes Michael A. Keefe as counsel for the case and orders the clerk's office to appoint Todd E. Farkas as new counsel for Defendant Robert Schmidt.


UNITED STATES DISTRICT JUDGE

Counsel:

Kenneth J. Gonzales
United States Attorney
Charlyn E. Rees
Raul Torrez
Assistant United States Attorneys
Albuquerque, New Mexico

Attorneys for the Plaintiff

Michael A. Keefe
Assistant Federal Public Defender
Albuquerque, New Mexico

-- and --

Todd E. Farkas
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Albuquerque, New Mexico

Attorneys for the Defendant